

REMARKS

Claims 1, 3, 24, 25, 29 and 30 have been amended and claim 2 has been cancelled; thus thirty-five claims remain pending: 1 and 3-36. Applicants respectfully request a favorable reconsideration of the pending claims in light of the amendments and remarks set forth below.

Information Disclosure Statement

Applicants submitted an Information Disclosure Statement on January 8, 2002 but have not received an initialed PTO/SB/08 in return. As a convenience to the Examiner, Applicants are providing a copy of the original Information Disclosure Statement previously submitted on January 8, 2002 and request the Examiner initial and return the enclosed Form PTO/SB/08 with the mailing of the next paper.

Rejections Under 35 USC § 112

Claims 1, 24 and 29 stand rejected as being indefinite. Applicants respectfully disagree with the Examiner, but have amended claims 1, 24 and 29 to more simply recite: “according to at least a portion of the retrieved at least the representation of the configuration schema.” Applicants submit the amendments help to simplify the language in claims 1, 24 and 29 and make clear that the “XML object” recited in claim 1 and the “standard-format representation” recited in claims 24 and 29 are generated “according to at least a portion of the representation of the configuration schema.” Claims 3, 25 and 30 have also been amended to be consistent with amended claims 1, 24

and 29. Applicants respectfully request that the Examiner reconsider the rejections in light of these amendments.

These amendments do not change the scope of claims 1, 24 and 29, but instead merely simplify the claim language. Specifically, amended claims 1, 24 and 29 cover retrieving a “representation” of configuration schema regardless of whether additional information is retrieved. In other words, the claims as amended cover retrieving at least a representation of a configuration record but certainly cover embodiments where more than a “representation of a configuration schema” is retrieved. Applicants simply point out the well known rule of patent law that one does not avoid infringement by carrying out additional activities not recited a claim.

It should also be recognized that the recited “configuration schema” may be represented in many ways. For example, the recited “representation of a configuration schema” in some embodiments is “a standard representation,” (Applicants Specification Para. [0010]), and in other embodiments the “representation of a configuration schema” is an “intermediate representation, e.g., a hash representation” (Applicants Specification Para. [0011]).

Rejections Under 35 USC §103(a)

Claims 1-36 stand rejected on the basis that they are unpatentable over US2002/0191619A1 (“Shafer”). Applicants respectfully traverse this rejection and submit the Office Action does not make out a *prima facie* case of obviousness relative to independent claims 1, 10, 19, 24 or 29.

Referring to claims 1, 24 and 29 the Office Action states Shafer determines aspects of their router 10 including “power, voltage, current, ports, i/o bandwidth etc.” but the Office Action does *not* identify where Shafer teaches determining power, voltage, current, ports, i/o bandwidth etc. Applicants have read Shafer and submit, contrary to the Office Action, Shafer simply does not teach determining power, voltage, current, ports, i/o bandwidth etc.

Nonetheless, in a good faith attempt to advance prosecution of this matter, Applicants have amended independent claims 1, 24 and 29 to include the subject matter of claim 2. Specifically claims 1 and 24 have been amended as follows:

wherein determining the characteristic of the network device comprises determining one of a network device manufacturer, network device model, and network device operating system version.

And claim 29 has been similarly amended. The Office Action, at page 4, second paragraph, states this added subject matter (i.e., the subject matter of original and now cancelled claim 2) is taught by Shafer because Shafer “discloses a plurality of network device modes, configuration files for each device module, network configuration schema, control operating systems, etc.” Applicants disagree.

Assuming arguendo that Shafer does teach this quoted subject matter, Applicants submit that Shafer’s network device modes, configuration files for each device module, network configuration schema and control operating systems neither teach nor suggest “determining one of a network device manufacturer, network device model, and network device operating system version” as recited in amended claims 1, 24 and 29. As a

consequence, Applicants submit independent claims 1, 24 and 29 are novel, non-obvious and in condition for allowance.

With respect to claim 10, the Office Action does not make a *prima facie* case of obviousness because the Office Action does not identify at least a suggestion of each recited element in claim 10. In particular claim 10 recites:

an intermediate schema representation system (ISR).

The Office Action does not identify (and Applicants can not find) an “intermediate schema representation system” that is either taught or suggested by Shafer. The Office Action, *without any support*, indicates at page 5, second paragraph, that Shafer teaches “determining...an intermediate schema representation of the network device in the network for interfacing (such as power, current, ports, i/o bandwidth, etc.)”

Applicants have performed a word search of Shafer and found neither the word “power,” nor “current,” nor “ports,” nor “i/o bandwidth.” But, even if Shafer taught determining power, current, ports, i/o bandwidth, etc., such a teaching does not suggest “an intermediate schema representation system (ISR)” as recited in claim 10. As a consequence, claim 10 can not properly be rejected over Shafer and Applicants respectfully request the Examiner remove this rejection.

Turning to independent claim 19, the Office Action fails to make a *prima facie* case of obviousness because it not identify at least a suggestion of each and every claimed element. Specifically, claim 19 recites:

a plurality of network devices.

The Office Action simply does not identify a plurality of network devices. Indeed, Shafer's network router management interface is taught in the context of a single router 10 where Shafer's control unit 12 and routing engine 14 reside.

In addition, claim 19 recites:

a DOM generator connected to the plurality of network devices.

The Office Action simply does not identify, and Shafer neither teaches nor suggests a "DOM generator" connected to a plurality of network devices as recited in claim 19. At most, Shafer teaches with reference to FIG. 4 that their client applications 56, 58, 60

parse the respective XML replies, extract pertinent information, and render the XML output as specified by the client application. Client applications 56, 58, 60 may parse the XML tags in the replies using a parser that implements a standard API such as the Document Object Model (DOM) or Simple API for XML (SAX).

(Shafer, paragraph [0046]).

Contrary to the assertion of the Office Action, this neither teaches nor suggests Applicants' claimed "DOM generator" that is connected to "the plurality of network devices."

Moreover, claim 19 recites:

a configuration schema storage device connected to the DOM generator; and
a DOM storage device connected to the DOM generator.

One embodiment of a configuration storage device and a DOM storage device connected to a DOM generator is depicted in Applicants' FIG. 3. Applicants submit Shafer does not even suggest anything resembling a system within the scope of claim 19. As a consequence, Applicants submit claim 19 is novel, non-obvious and in condition for allowance.

In addition Applicants submit dependent claims 3-9, 11-18, 20-23, 25-28 and 30-36 are also allowable, at least, by virtue of being dependent from allowable independent claims.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that no further impediments exist to the allowance of this application and, therefore, solicit an indication of allowability. However, the Examiner is requested to call the undersigned if any question or comments arise.

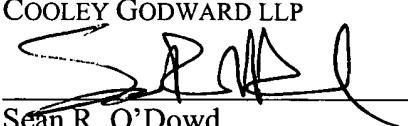
The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

COOLEY GODWARD LLP
Attention: Patent Group
One Freedom Square - Reston Town Center
11951 Freedom Drive
Reston, Virginia 20190-5601
Tel: (720) 566-4035
Fax: (720) 566-4099

By:

Respectfully submitted,

COOLEY GODWARD LLP



Sean R. O'Dowd
Reg. No. 53,403